

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

INTEPLAST GROUP, LTD.,

Plaintiff,

v.

PRIMEX, PLASTICS, CORP.,

Defendant.

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Case No. 4:11-cv-01949-CEJ

JOINT CLAIM CONSTRUCTION CHART AND PREHEARING STATEMENT

Pursuant to the Court’s Order (ECF No. 23), and Local Patent R. 4-3, Plaintiff Inteplast Group, LTD. (“Inteplast”) and Defendant Primex Plastics, Corp. (“Primex”) hereby submit their Joint Claim Construction Chart and Prehearing Statement.

Pursuant to Local Patent R. 4-3(a), the parties Joint Claim Construction Chart is attached hereto as Appendix A.

4-3(b): Joint Prehearing Statement

1. Estimated Length of Time for a Claim Construction Hearing.

The parties estimate that 3-4 hours will be required for the claim construction hearing.

2. Witnesses.

Inteplast may call Dr. Raphael Li, who is one of the inventors of U.S. Patent No. 6,579,114 (the “114 Patent”). With the Court’s permission, Dr. Li will provide an explanation of the process by which Inteplast manufactures its embodiment of the ‘114 patent. Dr. Li will also be prepared to provide testimony about the formation of bubbles using blowing agents and how one skilled in the relevant art would interpret or understand certain disputed claim terms. Inteplast is willing to make Dr. Li available to Primex for deposition on these topics prior to the

Markman hearing. Inteplast will also provide a summary of Dr. Li's anticipated testimony or, as noted in Local Patent R. 4-3(b), a report complying with the provisions of Fed. R. Civ. P. 26(a)(2)(B) prior to any testimony so as to permit a meaningful deposition.

Primex may call Jack Graham (formerly with Coroplast, Inc.) and Ashwin Shah, Ron Ponder, Michael Cramer (each from Primex), Fausto Zanazza (Commercial Director, Union Officine Meccaniche SpA, Via 1 Maggio 12/14,20028 s.Vittore Olona, Milan, Italy), or Mr Angelo Faiini (also from Union) to interpret the claims and to testify concerning how one skilled in the art would understand the disputed terms and compare the patent claims to the prior art. Primex may also call Kenneth Watov, Esq. (from Watov & Kipnes, P.C.) to testify about patent office procedure. Primex reserves its right to timely name additional witnesses and/or experts. Primex will make any witness it plans to call at the *Markman* hearing available for deposition prior to the hearing. For any witness Primex will call, it will also provide a summary of each witness's testimony or, as noted in Local Patent R. 4-3(b), a report complying with the provisions of Fed. R. Civ. P. 26(a)(2)(B) prior to any testimony so as to permit a meaningful deposition.

3. Order of Presentation.

The parties ask that the Court hear from the parties on a term-by-term basis, rather than hearing from Inteplast on all terms followed by a response from Primex on all terms.

4. Other Issues.

If the Court desires, the parties will be prepared to give the Court a 10-15 minute technology tutorial prior to the claim construction hearing.

Date: July 13, 2012

Respectfully submitted,

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